

REMARKS

The Specification has been amended. In particular, the paragraph beginning at page 2, line 18 has been amended for the sake of clarity and does not include new subject matter. This paragraph previously included linear density and fabric weight, which were both identified as properties of the low friction material of the present invention. However, those of skill in the art will recognize that linear density is a property of substantially one-dimensional article, such as a fiber or yarn. The term "linear density" is defined as "mass per unit length expressed as grams per centimeter, pounds per foot, or equivalent unit. It is the quotient obtained by dividing the mass of a **fiber or yarn** by its length." *Dictionary of Fiber and Textile Technology*, Kosa: Charlotte, 1999, p. 112 (*emphasis added*). To emphasize this point, the units used to describe linear density, "decitex" are mass per length. By contrast, fabric weight is the measure of a two-dimensional article as evidenced by the units used to describe the fabric weight, gm/m². The low friction property of the claims is a property of the material which is a woven fabric and not a property of the yarn.

The claims have also been amended. Specifically, claims 1, 2, 4, 7, 12, 17, and 18-20 have been amended to more clearly set forth the subject matter of the invention. New claims 27 to 38 have been added. Claims 3, 10-11, 13, and 23-25 have been cancelled without prejudice or disclaimer. Claims 5-6, 8-9, 14-16, 21, and 26 are as previously presented or in original form.

Reconsideration of the present application is respectfully requested in view of the amendments and the remarks below.

INFORMATION DISCLOSURE STATEMENT

The Office Action stated that the information disclosure statements filed July 11, 2008 and March 27, 2009 failed to comply with 37 CFR § 1.98(a)(2), since legible copies were not provided. Accompanying this Amendment is an information disclosure statement that provides legible copies of the materials identified in the July 11th and March 27th information disclosure statements. Acknowledgement that the attached information disclosure statement is both legible and acceptable through consideration by the Examiner is respectfully requested.

App. Serial No.:
10/561,752

ABSTRACT

Applicant respectfully submits that the objections raised by the Examiner with respect to the abstract are obviated by the amendments to the Abstract. Reconsideration and withdrawal of the objections are respectfully requested.

SECTION 112

Claim 17 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner has rejected claim 17 as being of broader scope than claim 16 from which it depends. Applicant respectfully submits that the amendment of claim 17 obviates this ground of rejection and a notice to that effect is respectfully requested.

SECTIONS 102/103

Claims 1, 2, 4-7, 12, 14 and 15 have been rejected under 35 U.S.C. §102(f) because Applicant did not invent the claimed subject matter. The Examiner cites references to "DuPont Airbag Fibers." Applicants respectfully submit that this rejection is obviated by the amendments of claim 1.

Claim 1 as amended is directed to an article comprising a medical protection sheeting formed from a woven low frictional material which includes a patient contacting surface. These elements are not disclosed in the "DuPont Airbag Fibers" documents. Moreover, the materials referred to in the cited documents are fibers, not fabrics of which the presently claimed medical protection sheetings are comprised. In addition, the low frictional materials of the present claims require a specific frictional property, *i.e.*, having a coefficient of static friction substantially the same as its coefficient of dynamic friction. This property is not disclosed by the "DuPont Airbag Fibers" documents. Significantly, there is no disclosure, teaching or suggestion to prepare a fabric for any medical use. Accordingly, reconsideration and withdrawal of the rejections under Section 102(f) are appropriate and respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,051,565 to Berge,

“Berge.” Applicants respectfully submit that these rejections are obviated by the amendment of claim 1.

Claim 1, as amended, is directed to an article comprising a medical protection sheeting formed from a low frictional material having a patient contacting surface.

Berge is directed to a mat conveyor having a tubular configuration with a high frictional patient contacting surface. Although Berge discloses the inclusion of a low friction nylon material, this material is located on the interior surface of the tube and cannot contact the patient. Accordingly, Berge fails to disclose the claim element of a low frictional material having a patient contacting surface.

In addition, Berge teaches that the patient contact surface of the mat conveyor should have a high frictional surface. As such, Berge clearly teaches away from using a low frictional surface in contact with the patient. To provide such a low frictional, patient contacting surface on the outer surface of Berge’s mat conveyor would destroy the intent and purpose of Berge and is clearly contrary to his teachings.

For the reasons that Berge fails to disclose or teach every element of the present claims and that Berge teaches away from the use of a low friction patient contacting surface, Applicant respectfully submits that Berge fails as a proper reference under either of Sections 102 or 103. Therefore, reconsideration and withdrawal of the rejections over Berge are respectfully requested.

Claims 1, 2, 4, 6, 12, and 23-26 have been rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,329,655 to Garner, (“Garner”). Applicants respectfully submit that the amendments of claim 1 and 26 and cancellation of claims 23-25 obviate these grounds of rejection. With respect to claims 1 and 26, Garner fails to disclose every element of the amended claims.

Garner discloses a slidable hospital sheet for turning patients. Garner’s sheet includes a portion of a “slick fabric” that may be made from polyester, satin, and rayon. However, Garner fails to disclose that his “slick fabric” has a coefficient of static friction substantially the same as

its coefficient of dynamic friction as required by the present claims. In fact, Garner does not provide any disclosure as to what coefficients of friction his “slick fabric” may have. Garner makes it clear that the fiber content alone does not determine whether a fabric will be a high friction fabric or a low friction fabric. This is evidenced by Garner’s disclosure of polyester as a “material [which] offers a substantial frictional drag” at column 3, beginning at line 55, in contrast to Garner’s disclosure of polyester as a “slick fabric” at column 4, lines 17-20.

In addition, Garner, similarly to Berge, fails to disclose a low frictional material which is a patient contacting surface. The patient contacting surface of Garner’s slidable hospital sheet is a high frictional material. As such, Garner also clearly teaches away from using a low frictional surface in contact with the patient. To provide such a low frictional, patient contacting surface on the patient contacting surface of Garner’s slidable hospital sheet would destroy the intent and purpose of Garner and is clearly contrary to his teachings.

Throughout the Office Action, the Examiner has asserted that “It is generally well known in the art that a low frictional material will have a coefficient of static friction substantially the same as its coefficient of dynamic friction that is less than 0.4.” Applicant respectfully disagrees and invites the Examiner to provide a reference that supports this assertion.

Garner fails as a proper reference under Sections 102 and 103 for failing to disclose every element of the claims as amended, particularly with respect to the coefficient of friction of the material of the medical protection sheeting. Accordingly, reconsideration and withdrawal of the rejections in view of Garner are respectfully requested.

Claims 4-7, 12, 14, and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Berge in view of U.S. Patent Application Publication No. 2006/0252322 to DeBenedictis et al. (“DeBenedictis”). These rejections are respectfully traversed.

DeBenedictis is cited only as teaching specific elements of dependent claims. DeBenedictis fails to overcome the deficiencies of Berge with respect to teaching every element of the present claims. Accordingly, the combination of Berge with DeBenedictis fails to provide

a *prima facie* case of obviousness. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garner in view of U.S. Patent No. 5,176,624 to Keuhnreich ("Keuhnreich"). These rejections are respectfully traversed.

Keuhnreich is cited only as teaching specific elements of dependent claims. Keuhnreich fails to overcome the deficiencies of Garner with respect to teaching every element of the present claims. Accordingly, the combination of Garner with Keuhnreich fails to provide a *prima facie* case of obviousness. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 16-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kuehnreich in view of U.S. Patent No. 5,778,565 to Holt et al. ("Holt"). These rejections are respectfully traversed.

Claim 16 features, among other elements, a boot comprising a medical protection sheeting formed from a low frictional material having a coefficient of static friction substantially the same as its coefficient of dynamic friction. Kuehnreich appears completely void of any teaching or suggestion of such features found in claim 16, and the addition of Holt fails to cure this deficiency. In addition, Kuehnreich teaches that its shoe bandage is formed from an "elastic type bandage material", which is typically associated with characteristics of a high coefficient of friction material. Accordingly, reconsideration and withdrawal of the rejections over Kuehnreich in view of Holt with regard to claim 16 is respectfully requested.

Claims 17-22 depend either directly or indirectly from independent claim 16 and are allowable for the reasons stated above with respect to claim 16 and because of their own distinctive features. Accordingly, claims 17-22 are in condition for allowance and a notice to that effect is respectfully requested.

New claims 27-38 have been added and are believed to be in condition for allowance. A notice that new claims 27-38 are in condition for allowance is respectfully requested.

All claims are believed to be in condition for allowance and prompt issuance of a Notice of Allowance is respectfully requested. If any fees are determined to be due in connection with filing this Amendment or any other paper filed during prosecution of this application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of this application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

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/John A. Yirga/

John A. Yirga
Reg. No. 56,480

**TAROLLI, SUNDHEIM, COVELL
& TUMMINO LLP**
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Facsimile (216) 621-4072

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